

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

Sep 21 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

CASE NUMBER: CR 21-0374 MMC

USA v. BRENDAN JACY TATUM and JOSEPH HUFFAKER

CR

Is This Case Under Seal?

Yes

No ✓

Total Number of Defendants:

1

2-7 ✓

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No ✓

Venue (Per Crim. L.R. 18-1):

SF ✓

OAK

SJ

Is this a potential high-cost case?

Yes

No ✓

Is any defendant charged with a death-penalty-eligible crime?

Yes

No ✓

Is this a RICO Act gang case?

Yes

No ✓

Assigned AUSA

(Lead Attorney): Cynthia Frey, AUSA

Date Submitted: 9-21-21

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

Sep 21 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

BRENDAN JACY TATUM

and

JOSEPH HUFFAKER

CR 21-0374 MMC

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right;

18 U.S.C. § 1951 –Extortion Under Color of Official Right;

18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation;

26 U.S.C. § 7201 – Tax Evasion;

18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture;

18 U.S.C. § 2 – Aiding and Abetting

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 21st day of

September, 2021.

Sallie Kim

Magistrate Judge Sallie Kim

M. Lock
Clerk

Bail, \$ No Process

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

FILED

Sep 21 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 21-0374 MMC
)	
Plaintiff,	)	<u>VIOLATIONS:</u>
	)	18 U.S.C. § 1951 – Conspiracy to Commit Extortion
v.	)	Under Color of Official Right;
	)	18 U.S.C. § 1951 –Extortion Under Color of Official
BRENDAN JACY TATUM and	)	Right;
JOSEPH HUFFAKER,	)	18 U.S.C. § 1519 – Falsifying Records in a Federal
	)	Investigation;
Defendants.	)	26 U.S.C. § 7201 – Tax Evasion;
	)	18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C.
	)	§ 2461(c) – Forfeiture; 18 U.S.C. § 2 – Aiding and
	)	Abetting
)	
	)	SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

1. The City of Rohnert Park was a city located in Sonoma County, California, in the Northern District of California. The Rohnert Park Department of Public Safety (“RPDPS”) was a department of the City of Rohnert Park. RPDPS consisted of a Police Services Patrol Division and Fire Services Division.

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INDICTMENT

1 2. BRENDAN JACY TATUM (“TATUM”) was employed with RPDPS between 2003 and
2 2018. Between July 2015 and August 20, 2017, and again after February 4, 2018, TATUM was a Public
3 Safety Sergeant in the Police Services Patrol Division. Between August 20, 2017 and February 4, 2018,
4 TATUM was assigned to the Fire Services Division.

5 3. JOSEPH HUFFAKER (“HUFFAKER”) was employed as an officer with RPDPS
6 between in or about 2012 and in or about 2019.

7 4. RPDPS had an “interdiction team,” which operated between at least in or about 2014
8 through in or about 2017. The RPDPS interdiction team conducted traffic stops on vehicles in an effort
9 to seize illegal drugs and its operations were in addition to the team members’ normal duties. As such,
10 the time spent on interdiction operations was considered overtime and interdiction team members were
11 required to notate their time sheets accordingly.

12 5. TATUM and HUFFAKER were members of the RPDPS interdiction team and
13 participated in the activities of the team at various times between 2015 and the end of 2016. In 2016, the
14 team was headed by TATUM. In 2016, in addition to being in charge of the RPDPS interdiction team,
15 TATUM also supervised RPDPS’s Asset Forfeiture. The RPDPS interdiction team did not operate in
16 conjunction with or in cooperation with any federal agencies, such as the United States Drug
17 Enforcement Administration or the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) in
18 relation to drug interdiction.

19 6. The RPDPS interdiction team’s operations were subject to the same policies and
20 procedures in place for RPDPS in general, including policies and procedures relating to body camera
21 usage, property and evidence packaging and destruction, asset seizure and forfeiture, and report writing,
22 among others.

23 7. RPDPS reported that it began using body-worn cameras between 2015 and mid-2016.
24 Use of body-worn cameras and the policies and procedures that were in place applied to all of RPDPS,
25 including the interdiction team. Under those policies and procedures, body-worn cameras were required
26 to be worn and activated when officers came into contact with citizens in the performance of their
27 official duties. The body-worn camera was required to be activated and not be terminated until the
28 contact had entirely concluded. Where the body-worn camera was not activated or was terminated prior

1 to contact entirely concluding, the officer was required to document the reasons for doing so. All digital
2 media from body-worn cameras was required to be downloaded at the end of the officer's shift and
3 securely stored.

4 8. Under RPDPS policies and procedures, all interdictions resulting in the seizure of
5 narcotics and or other property or evidence, including cash, were required to be submitted to
6 property/evidence and documented by an Evidence/Property Report and/or an Incident/Investigation
7 Report, whether the activity related to a felony or misdemeanor. In cases where a narcotics seizure was
8 made, but the subject disclaimed ownership of the narcotics, the seized narcotics nevertheless were
9 required to be submitted to property/evidence; in such instances, RPDPS records systems referred to the
10 narcotics "as found property." RPDPS generated case numbers sequentially regardless of the type of
11 case. Those case numbers were used as a reference for other official documents, including
12 Evidence/Property Reports, Chain of Custody documents, Incident/Investigation Reports, and
13 Destruction Orders, among other things. Names associated with an Incident/Investigation Report were
14 input in the RPDPS computer system and the date and time and user that inputted that data was reflected
15 in the system. In addition, when a user was filling in the Incident/Investigation Report fields, such
16 information was captured in the system as "audit details," which captured the name of the user inputting
17 the data and date and time of input into the fields.

18 9. RPDPS had an asset forfeiture manual and policy that officers were required to follow.
19 For seizures of cash, the Asset Forfeiture Manual required that the owner be provided with a notice of
20 forfeiture. All cash seized was required to be booked into evidence with a currency envelope, with a
21 total of the amount of cash, and a list of denominations. The currency was to be counted in the presence
22 of two officers who were required to sign to verify the amount prior to the money being booked into the
23 Evidence/Property room. A photocopy of the currency envelope was required to be attached to the
24 police report.

25 10. At all relevant times, the destruction of narcotics seized by RPDPS required a destruction
26 order signed by a judge in Sonoma County. Once ordered for destruction, the procedure in place was to
27 take the narcotics to an incinerator operated by Covanta Stanislaus, located in Crows Landing,
28 California. A property technician and a sworn officer would transport the items, provide Covanta with

1 an inventory of items to be incinerated, and witness the destruction. After destruction, Covanta provided
2 proof of destruction, and the chain of custody for the evidence/property was updated by RPDPS property
3 staff to include notes regarding the date and time of destruction. Alternate means of destruction was not
4 authorized.

5 11. The RPDPS interdiction team's operations were terminated in approximately January
6 2017 and TATUM, HUFFAKER, and the other interdiction team officers were informed that the
7 interdiction team's operations were terminated.

8 The Scheme and Conspiracy to Extort Under Color of Official Right

9 12. TATUM and HUFFAKER devised and executed a scheme to unlawfully extort under
10 color of official right property from individuals on which they conducted traffic stops on United States
11 Route 101. As part of the scheme, during the existence of the interdiction team TATUM acted alone.
12 After termination of the interdiction team, in 2017, TATUM conspired with HUFFAKER to extort
13 property under color of official right, claiming to be ATF agents, threatening to arrest drivers if they
14 contested seizures of their property during these traffic stops, and then TATUM and HUFFAKER seized
15 their property, specifically marijuana, without reporting or checking the seized property into evidence,
16 or documenting or reporting the stop and seizure.

17 13. Specifically, in 2016, during the RPDPS interdiction team operations, TATUM, who at
18 the time was an RPDPS Sergeant and head of the interdiction team, devised a plan and scheme to extort
19 marijuana, and other property, under color of official right from numerous individuals he stopped with
20 other interdiction team officers. TATUM did so by demanding marijuana and other property from
21 individuals during traffic stops and, telling the property owners that he would let them go without an
22 arrest or other formal process for their marijuana possession if they did not challenge the seizure of their
23 property. Once he seized the property, TATUM would let them go without arresting or charging these
24 individuals, without providing a citation with a notation of the property seized or asset forfeiture notice
25 to the individuals, without filing an Incident/Investigation Report, without filing a Property/Evidence
26 Report, including Found Property, without submitting the marijuana and other property into the custody
27 of the property department, without submitting the necessary asset forfeiture documents to the City of

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1 Rohnert Park, and without filing an application for a destruction order. For example, using the color of
2 official right, and the method set forth above:

3 a. On August 25, 2016, TATUM and another RPDPS officer from the interdiction
4 team (Officer 1), while on duty and on patrol, stopped Victim 1 (S.D.) on Highway 101
5 near Cloverdale, California and TATUM extorted approximately \$3,700 in cash, as well
6 as roughly 14 pounds of marijuana;

7 b. On or about September 2, 2016, TATUM and Officer 1, while on duty and in a
8 police vehicle, stopped Victim 2 (T.M.) on Highway 101 near Cloverdale, California and
9 TATUM extorted approximately 15 pounds of marijuana;

10 c. On October 4, 2016, TATUM and Officer 2, while on duty and in a police vehicle
11 on patrol, stopped Victim 3 (J.D.) near Cloverdale and TATUM extorted approximately
12 six pounds of marijuana;

13 d. On or about October 5, 2016, TATUM and Officer 2, while on duty and in a
14 police vehicle on patrol, stopped Victim 4 (D.P.) near Cloverdale, California and
15 TATUM extorted approximately two-and-a-half pounds of marijuana;

16 e. On or about December 6, 2016, TATUM and HUFFAKER, while on duty and in
17 a police vehicle, stopped Victim 5 (J.K.) near Cloverdale and TATUM extorted
18 approximately 20 pounds of marijuana; and

19 f. On or about December 30, 2016, TATUM and HUFFAKER, while on duty and in
20 a police vehicle, stopped Victim 6 (M.E.) near Cloverdale and TATUM extorted
21 approximately 2 pounds of marijuana.

22 In each of these stops, at least one officer activated his body-worn camera.

23 14. Between at least on or about December 5, 2017 and December 18, 2017, TATUM and
24 HUFFAKER extorted significant quantities of marijuana from owners with consent that was induced
25 through color of official right, declaring to the owners that they would seize their property, and at times
26 threatening to arrest and charge the victims, while never in fact submitting the property to RPDPS or
27 documenting the stop or seizure. In these instances, the officers were not on duty, did not have body-
28

worn cameras, were not in uniform and wore no indicia that they were from RPDPS, claimed to be ATF agents, and did not use a marked RPDPS police vehicle.

COUNT ONE: (18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right)

15. The factual allegations in Paragraphs 1 through 14 are re-alleged and incorporated as if fully set forth herein.

16. Beginning at a date unknown, but by at least on or about December 5, 2017 and continuing to a date unknown, but to at least on or about December 18, 2017 in the Northern District of California and elsewhere, the defendants,

BRENDAN JACY TATUM and
JOSEPH HUFFAKER,

did knowingly conspire to obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, section 1951; that is, defendants obtained property not due defendants or his office, from victims and others, with consent induced under color of official right.

The Conspiracy to Extort

17. After termination of the interdiction team's operations, between at least on or about December 5, 2017 and on or about December 18, 2017, TATUM and HUFFAKER, both while off-duty, and under color of official right, conspired to seize marijuana, and other property from numerous individuals they stopped, without arresting or charging these individuals, without providing a citation or asset forfeiture notice to the individuals, without filing an Incident/Investigation Report, without filing a Property/Evidence Report, without submitting the marijuana and other property into the custody of the property department, without submitting the necessary asset forfeiture documents to the City of Rohnert Park, and without filing an application for a destruction order.

The Manner and Means

18. The defendants carried out their conspiracy to extort alleged herein in the following manner and means, among others:

- a. Using their position as public officials to seize things of value from their victims with the intent to convert them to their own use;
- b. Obtaining consent to seize things of value from their victims in exchange for official action or inaction, specifically not charging or arresting their victims;
- c. Not following official policies and procedures, including by not documenting their vehicle stops in which they seized things of value from their victims;
- d. Converting property seized when acting as public officials to their own use;
- e. Taking steps to hide, conceal, and cover up their activities, including falsifying police reports, and omitting references to these undocumented stops in reporting RPDPS interdiction team seizure statistics;
- f. Falsely impersonating officers of an agency of the United States, such as the ATF; and
- g. Concealing the seizures and their value, by selling the goods (namely marijuana) for cash and not reporting the amounts received.

Overt Acts

19. In furtherance of the conspiracy, and to carry out its objects, TATUM, HUFFAKER, and others committed or caused to be committed the following overt acts, among others, in the Northern District of California and elsewhere:

- a. On or about December 5, 2017, HUFFAKER and another individual conducted a traffic stop on Victim 7 in the Northern District of California;
- b. During the December 5, 2017 stop of Victim 7, HUFFAKER falsely claimed to be an ATF agent;
- c. During the December 5, 2017 stop of Victim 7, HUFFAKER threatened to arrest Victim 7 if he did not consent to the seizure of three pounds of marijuana that he possessed;
- d. During the December 5, 2017, stop of Victim 7 HUFFAKER seized those three pounds of marijuana while failing to provide a citation or any other documentation related to the stop that would allow Victim 7 to contest the seizure;

- 1 e. On or about December 18, 2017, TATUM and HUFFAKER conducted a traffic
2 stop on Victim 8 in the Northern District of California;
- 3 f. During the December 18, 2017 stop of Victim 8, TATUM and HUFFAKER
4 falsely claimed to be ATF agents;
- 5 g. During the December 18, 2017 stop of Victim 8, TATUM and HUFFAKER
6 threatened to arrest Victim 2 if he did not consent to the seizure of at least 23 pounds of
7 marijuana that he possessed. Two California Highway Patrol (“CHP”) officers drove up
8 and observed part of the stop;
- 9 h. During the December 18, 2017 stop of Victim 8, TATUM and HUFFACKER
10 seized those 23 pounds of marijuana while failing to provide a citation or any other
11 documentation related to the stop that would allow Victim 8 to contest the seizure.
12 Neither TATUM nor HUFFAKER submitted any records reflecting the stop or the
13 marijuana seized;
- 14 i. Having been observed by two CHP officers during their stop on December 18,
15 2017, on or about December 19, 2017, TATUM and HUFFAKER submitted an
16 Evidence/Property Report that indicated two 15-pound boxes of marijuana were
17 submitted as “Found – for Destruction.” The Report indicated that this property was
18 collected by HUFFAKER on December 18, 2017. The 23 pounds of packaged and
19 labeled marijuana seized on December 18, 2017 was taken by the defendants and 30
20 pounds of loose marijuana was submitted as “found property”; and
- 21 j. Between December 5, 2017 and February 20, 2018, TATUM and HUFFAKER
22 took steps to hide, conceal, and cover up their activities, including by falsifying police
23 reports.

24 All in violation of Title 18, United States Code, Section 1951.

25 COUNT TWO: (18 U.S.C. §§ 1951 and 2 – Extortion Under Color of Official Right)

26 20. The factual allegations in Paragraphs 1 through 19 are re-alleged and incorporated as if
27 fully set forth herein.

21. On or about December 5, 2017, in the Northern District of California and elsewhere, the defendant

JOSEPH HUFFAKER

did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant obtained property not due defendant or his office, from Victim 7 (E.F.), with consent induced under color of official right.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE: (18 U.S.C. §§ 1951 and 2 – Extortion Under Color of Official Right)

22. The factual allegations in Paragraphs 1 through 21 are re-alleged and incorporated as if fully set forth herein.

23. On or about December 18, 2017, in the Northern District of California and elsewhere, the defendants,

BRENDAN JACY TATUM and
JOSEPH HUFFAKER,

did knowingly obstruct, delay, and affect in any way and degree commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendants obtained property not due defendants or his office, from Victim 8 (B.L.) and others, with consent induced under color of official right.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FOUR: (18 U.S.C. §§ 1519 and 2 – Falsifying Records in a Federal Investigation)

24. On or about February 20, 2018, in the Northern District of California, and elsewhere, the defendant

Brendan Jacy Tatum

knowingly concealed, covered up, falsified, and made false entries in Rohnert Park Department of Public Safety reports with the intent to impede, obstruct, and influence the investigation and proper administration of matters within the jurisdiction of the United States Department of Justice and the Federal Bureau of Investigation, and in relation to and contemplation of such matters, to wit, the

1 defendant used a case number and property report created on December 19, 2017 to make a false police
2 report relating to an undocumented RPDPS vehicle stop and seizure on December 5, 2017, which was
3 reported in the press on February 11, 2018.

4 All in violation of Title 18, United States Code, Sections 1519 and 2.

5 COUNT FIVE: (26 U.S.C. § 7201 – Tax Evasion)

6 25. From in or about January 2016 through in or about April 2017, in the Northern District of
7 California and elsewhere, the defendant

8 BRENDAN JACY TATUM

9 a resident of Santa Rosa, California, willfully attempted to evade and defeat income tax due and owing
10 by him to the United States of America for the calendar year 2016, by committing the following
11 affirmative acts, among others:

12 (a) preparing and causing to be prepared, and signing and causing to be signed, a false and
13 fraudulent U.S. Individual Income Tax Return, Form 1040, which was submitted to the Internal Revenue
14 Service. On that form, TATUM reported and caused to be reported that his taxable income for the
15 calendar year 2016 was \$85,420 and that the tax due and owing for the calendar year 2016 was
16 \$12,890. In fact, as TATUM knew, his taxable income for the calendar year 2016 was greater than the
17 amount reported on the tax return, and as TATUM knew and a result of such additional taxable income,
18 there was substantial tax due and owing to the United States of America;

19 (b) concealing money by making cash deposits below \$10,000 into his own account and the
20 bank accounts controlled by his family members, for a total of \$396,224 in cash deposits made in
21 increments under \$10,000; and

22 (c) using cash in the amount of \$46,835 to purchase cashier's checks for the purchase of a
23 Duckworth 30 Offshore fishing boat.

24 All in violation of Title 26, United States Code, Section 7201.

25 FORFEITURE ALLEGATION: (18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c))

26 26. The allegations contained Paragraphs 1 through 25 of this Indictment are re-alleged and
27 by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
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provisions of Title 18, United States Code, Sections 924(d)(1), 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

27. Upon conviction for the offenses alleged in Counts One, Two, and Three of this Indictment, the defendants,

BRENDAN JACY TATUM and
JOSEPH HUFFAKER,

shall forfeit to the United States pursuant to 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c) any firearm or ammunition involved in or used in that violation, and all property, real or personal, constituting or derived from proceeds the defendant obtained, directly and indirectly, as the result of that violation, including, but not limited to, the following:

a. Money Judgment: a sum of money equal to the total gross proceeds obtained as a result of the offense; and

b. any firearm or ammunition involved in or used in that violation.

28. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred, or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property that cannot be divided without difficulty,

any and all interest the defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

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1 All pursuant to Title 18, United States Code, Sections 924(d)(1), 981(a)(1)(C), Title 28, United
2 States Code, Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

3 DATED: 9/21/21

A TRUE BILL.

4 /s/

5
6 FOREPERSON

7 STEPHANIE M. HINDS
8 Acting United States Attorney

9 /s/ Cynthia Frey

10 CYNTHIA FREY
11 Assistant United States Attorney
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right;
 18 U.S.C. § 1951 – Extortion Under Color of Official Right;
 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture; 18 U.S.C. § 2 – Aiding and Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Please see attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.▶ **JOSEPH HUFFAKER**

DISTRICT COURT NUMBER

CR 21-0374 MMC

FILED

Sep 21 2021

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI and IRS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-21-70422 MAG

Name and Office of Person
Furnishing Information on this form **Stephanie M. Hinds**

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned)

Cynthia Frey, AUSA

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.▶ **JOSEPH HUFFAKER**

DISTRICT COURT NUMBER

CR 21-0374 MMC

FILED

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SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges ▶
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT
JOSEPH HUFFAKER

Count 1: 18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Count 2: 18 U.S.C. § 1951 – Extortion Under Color of Official Right

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Count 3: 18 U.S.C. § 1951 – Extortion Under Color of Official Right

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Forfeiture: 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right;
 18 U.S.C. § 1951 – Extortion Under Color of Official Right;
 18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation;
 26 U.S.C. § 7201 – Tax Evasion;
 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461 (c) – Forfeiture; 18 U.S.C. § 2 – Aiding and Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Please see attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

BRENDAN JACY TATUM

DISTRICT COURT NUMBER

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 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☒ If not detained give date any prior summons was served on above charges **▶** _____
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed _____

DATE OF ARREST **▶** _____

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY **▶** _____

Month/Day/Year

☐ This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI and IRS

☐ person is awaiting trial in another Federal or State Court, give name of court _____

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District _____

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3-21-70422 MAG

Name and Office of Person
Furnishing Information on this form **Stephanie M. Hinds**

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) **Cynthia Frey, AUSA**

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

**PENALTY SHEET ATTACHMENT
BRENDAN JACY TATUM**

Count 1: 18 U.S.C. § 1951 – Conspiracy to Commit Extortion Under Color of Official Right

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Count 3: 18 U.S.C. § 1951 – Extortion Under Color of Official Right

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Count 4: 18 U.S.C. § 1519 – Falsifying Records in a Federal Investigation

Maximum Penalties: (1) 20 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$250,000 fine; (4) \$100 Special Assessment

Count 5: 26 U.S.C. § 7201 – Tax Evasion

Maximum Penalties: (1) 5 years imprisonment; (2) Maximum of 3 years of supervised release; (3) \$100,000 fine; (4) \$100 Special Assessment

Forfeiture: 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C) and 28 U.S.C. § 2461(c)